



REMARKS

This Application has been reviewed carefully in light of the Office Action mailed March 11, 2004. Claims 1-38 were pending in the Application and stand rejected. Applicants amend Claims 1, 2, 8-11, 15-18, 22-25, 29-32, and 36-38. Applicants respectfully request reconsideration and favorable action in this case.

The Examiner rejects Claims 1, 2, 4-12, and 14-38 under 35 U.S. §102(e) as being Claim Rejections - 35 U.S.C. §102 anticipated by U.S. Patent No. 6,263,204, which issued to Kusaki, et al. ("Kusaki"). To anticipate a claim, a single prior art reference must describe, either expressly or inherently, each and every element of the claim. M.P.E.P. §2131.

Consider Applicants' independent Claim 15, which, as amended, recites:

A method for routing packets comprising:

receiving selection group information, wherein the selection group information identifies a mobile unit, a first

receiving a first graded packet from the first station, station, and a second station; wherein the first graded packet encodes information received from the mobile unit and a first value generated by the first

receiving a second graded packet from the second station: station, wherein the second graded packet encodes the information and a second value generated by the second station;

determining a selection group hierarchy using the selection group information;

determining a network address for communications from the mobile unit based on the selection group hierarchy;

selecting one of the graded packets based on the first value and the second value; and

forwarding the selected one of the graded packets to the network address.

Applicants respectfully submit that Kusaki fails to disclose every element of this Claim.

Among other aspects of Claim 15, Kusaki fails to disclose "receiving selection group information, wherein the selection group information identifies a mobile unit, a first station, and a second station." Kusaki also fails to disclose "determining a selection group hierarchy using the selection group information." Kusaki also fails to disclose "determining a network address for communications from the mobile unit based on the selection group hierarchy."

Kusaki also fails to disclose "forwarding the selected one of the graded packets to the

For at least these reasons, Applicants respectfully request the Examiner to reconsider network address." the rejection of independent Claim 15. For analogous reasons, Applicants request the Examiner to reconsider the rejection of independent Claims 1, 8, 22, 29, and 36.

Claims 2, 4-7, 9-12, 14, 16-21, 23-28, 30-35, 37, and 38 depend from Claims 1, 8, 15, 22, 29, and 36. Thus, for at least the same reasons discussed above, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claims 1, 2, 4-12, and 14-38.

In addition, many of Applicants' dependent Claims further highlight deficiencies in Kusaki. For example, consider Claim 16:

The method of Claim 15, wherein the selection group information identifies a plurality of candidate BTSs determined in response to a signal strength associated with a primary BTS falling below a threshold.

Also consider Claim 17:

The method of Claim 15, further comprising:

receiving an indication to discontinue use of the selection group hierarchy and to use a primary BTS, wherein the primary BTS is one of the first BTS and the second BTS selected in response to a signal strength associated with the primary BTS rising above a threshold.

Also consider Claim 18:

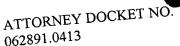
The method of Claim 15, further comprising:

determining a plurality of second network addresses for communications to the mobile unit based on the selection group hierarchy;

receiving an outbound packet that includes a destination indicating the mobile unit; and

forwarding copies of the outbound packet to each of the second network addresses.

Applicants respectfully submit that Kusaki fails to disclose every element of these Claims, as well as analogous elements in dependent Claims 9-11, 23-25, and 30-32.



062891.0413

15

The Examiner rejects Claim 3 under 35 U.S.C. §103(a) as being unpatentable over Claim Rejections - 35 U.S.C. §103 Kusaki in view of U.S. Patent No. 5,850,607, which issued to Muszynski ("Muszynski"). Claim 3 depends from Claim 1, which was shown above to be allowable over Kusaki. The introduction of Muszynski fails to provide the elements of Claim 1 not shown by Kusaki. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider

The Examiner rejects Claims 13, 20, 27, and 34 under 35 U.S.C. §103(a) as being and withdraw the rejection of Claim 3. unpatentable over Kusaki in view of U.S. Publication No. 2003/0063582, which issued to Mizell et al. ("Mizell"). Each of these claims depends from an independent Claim shown above to be allowable over Kusaki. The introduction of Mizell fails to provide the elements of Applicants' independent claims not shown by Kusaki. Thus, for at least these reasons, Applicants respectfully request the Examiner to reconsider and withdraw the rejection of Claim 13, 20, 27, and 34.

CONCLUSION

Applicants have made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at

Attached herewith is a check made payable to the "Commissioner of Patents and the convenience of the Examiner. Trademarks" in an amount of \$110.00 to satisfy the fee of 37 C.F.R. §1.17(a)(1). The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P. Attorneys for Applicants

Kurt M. Pankratz Reg. No. 46,977

Correspondence Address 2001 Ross Avenue Dallas, Texas 75201-2980 Tel. (214) 953-6987